

SENATE BILL NO. 52

INTRODUCED BY J. SHOCKLEY

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A BILL FOR AN ACT ENTITLED: "AN ACT LIMITING THE TYPE OF IDENTIFICATION THAT MAY BE ACCEPTED BY A GOVERNMENTAL AGENCY OR A BANK IF AN IDENTIFICATION DOCUMENT IS REQUIRED BY A GOVERNMENTAL AGENCY OR BANK BEFORE PROVIDING CERTAIN GOVERNMENTAL OR BANKING SERVICES; AND PROVIDING AN APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Identification card for governmental or banking service -- definitions.

(1) If a governmental agency or a bank of this state requires the display of an identification document by an individual before a service may be provided to that individual by the agency or bank, the agency or bank may not provide the service unless the individual required to display the identification document displays:

- (a) a valid identification card issued by a governmental agency of this state, another state or territory, the United States, or a tribal government; or
- (b) a valid passport issued by the United States or a foreign government.

(2) A governmental agency of this state may adopt rules, resolutions, or ordinances to implement this section.

(3) As used in this section, the following definitions apply:

- (a) "Bank" has the meaning provided in 32-1-102.
- (b) "Foreign government" has the meaning provided in 15-30-101.
- (c) "Governmental agency" means:
 - (i) a department, board, bureau, commission, educational institution, or other agency of state government; or
 - (ii) a city, town, county, consolidated city-county government, or school district.
- (d) "Identification card" means an identification document showing or containing at least the following:
 - (i) the bearer's photograph, legal name, gender, date of birth, eye color, and address of legal residence;
 - (ii) the issuing authority; and
 - (iii) security features that make the document resistant to tampering, counterfeiting, or fraudulent use.

1 (e) "Identification document" means a document containing a photograph and other information
2 identifying an individual as being the individual who the bearer of the document claims to be.

3 (f) "Service" does not include:

4 (i) the issuance of a license, permit, or identification document; or

5 (ii) registration to vote or the exercise of the right to vote in an election governed by Title 13.

6 (g) "Valid" means that there is no indication on an identification card or passport that shows that the
7 identification card or passport has expired or has been canceled or rendered ineffective.

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9 NEW SECTION. **Section 2. Notification to tribal governments.** The secretary of state shall send a
10 copy of [this act] to each tribal government located on the seven Montana reservations and to the Little Shell band
11 of Chippewa.

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13 NEW SECTION. **Section 3. Codification instruction.** [Section 1] is intended to be codified as an
14 integral part of Title 2, and the provisions of Title 2 apply to [section 1].

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16 NEW SECTION. **Section 4. Applicability.** [This act] applies to a service to be provided by a
17 governmental agency or a bank, as defined in [section 1], on or after October 1, 2007.

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